

## **REMARKS**

### **1. Summary of Office Action**

In the Office action mailed September 1, 2004, the Examiner rejected claims 3-4 and 17-19 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner rejected claims 1-5 and 10-21 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,909,431 (Kuthyar et al.) in view of U.S. Patent No. 6,134,587 (Okanoue). The Examiner rejected claims 6-8 under 35 U.S.C. §103(a) as being unpatentable over Kuthyar et al. in view of U.S. Patent No. 5,909,431 (Higgins). The Examiner rejected Claim 9 under 35 U.S.C. §103(a) as being unpatentable over Kuthyar et al. in view of Okanoue in further view of Computer Networking: A Top Down Approach Featuring the Internet (Kurose et al.). And the Examiner rejected claim 15 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,237,486 (Shimp).

### **2. Amendments and Pending Claims**

The Applicants have amended claims 1, 3-4, 7, 9, and 10, and have cancelled claims 5-6, 8, and 15-21. Now pending in this application are claims 1-4, 7, and 9-14 of which claim 1 is independent.

### **3. Response to §112 Rejection**

The Applicants have amended claims 3 and 4 so that each of claims 3 and 4 is not indefinite under 35 U.S.C. §112, second paragraph. The amendment to claim 3 includes deleting the phrase "such as" and the amendment to claim 4 includes deleting the phrase "such as for example." The Applicants have cancelled claims 17-19 and thus the rejection of claims 17-19 under 35 U.S.C. § 112, second paragraph, is moot.

#### 4. Response to §103 Rejections

As noted above, the Examiner (i) rejected claims 1-5 and 10-21 as being unpatentable over Kuthyar et al. in view of Okanou, (ii) rejected claims 6-8 as being unpatentable over Kuthyar et al. in view of Okanou in further view of Higgins, and (iii) rejected claim 9 in view of Kuthyar et al. in view of Okanou in further view of Kurose et al. The Applicants respectfully traverse the rejection of claims 1-4, 7, and 9-14 because none of the references cited by the Examiner, whether considered alone or in combination, fail to disclose or suggest the combination of elements recited in any of these claims. The Applicants have cancelled claims 5-6, 8, and 15-21, thus the rejection of claims 5-6, 8, and 15-21 is moot.

Claim 1 was amended to recite limitations that none of the references or combination of references cite or make obvious. In particular, the Applicants note that none of the references or combination of references teach or suggest (i) creating a plurality of audio frames from a plurality of blocks of data from a plurality of audio programs, each audio program being encoded with a respective one of a plurality of audio formats, (ii) placing each of the plurality of network audio frames within a respective one of a plurality of transport structures for transport across the network, (iii) assigning a multicast address to the plurality of transport structures prior to delivering the plurality of transport structures to a physical media, and (iv) wherein the plurality of transport structures are part of a single multicast stream, each network audio frame includes a respective network audio header followed by at least one of the plurality of blocks of data from any one of the plurality of audio programs, and each network audio header includes information that enables the carriage of the plurality of audio formats within the single multicast stream, as recited in claim 1. These claimed features allow for sending audio content in various audio formats from a plurality of audio sources in a single multicast stream. Thus, the Applicants

submit that Kuthyar et al., Okanou, Higgins, and Kurose, whether considered alone or in combination, fail to disclose or suggest the combination of elements as recited in claim 1. Further, claims 2-4, 7, and 9-14 depend from claim 1 and therefore incorporate all of the limitations of claim 1, and thus Kuthyar et al., Okanou, Higgins, and Kurose, fail to render obvious the invention of claims 2-4, 7, and 9-14 as well.

**5. Response to §102 Rejection**

The Applicants have cancelled claim 15 and thus the rejection of claim 15 under 35 U.S.C. § 102(b) is moot.

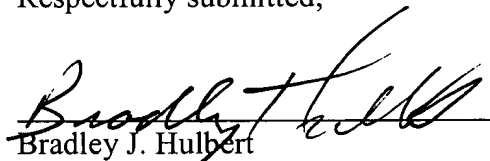
**6. Conclusion**

Applicants respectfully submit that claims 1-4, 7, and 9-14 are now in a condition for allowance, and respectfully request favorable reconsideration and prompt allowance of these claims. If the Examiner would like to discuss this case, the Examiner is welcomed to contact the undersigned at (312) 913-2122.

Respectfully submitted,

Date: November 16, 2004

By:

  
Bradley J. Hulbert  
Reg. No. 30,130